

IN RE: PETITION FOR ZONING VARIANCE  
NW/4 Bay Drive, 660' NE of  
Miami Beach Road  
(4030 Briar Point Road)  
15th Election District  
5th Councilmanic District  
Edward E. Clemens, Jr., et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a setback of 30.5 feet to the centerline of the road in lieu of the required 75 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Clemens, appeared, testified and was represented by S. Eric DiNenna, Esquire. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July, 1988 that the Petition for Zoning Variance to permit a setback of 30.5 feet to the centerline of the road in lieu of

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Mr. Joseph Moskies  
7332 Pulaski Highway  
Baltimore, Maryland 21237

Re: Petition for Zoning Variance  
CASE NUMBER: 88-527-A  
1400 Philadelphia Road and Odell Avenue  
(7302 Pulaski Highway)  
15th Election District - 7th Councilmanic  
Petitioner(s): Joseph Moskies  
HEARING SCHEDULED: THURSDAY, JULY 7, 1988 at 9:30 a.m.

Dear Mr. Moskies:

Please be advised that \$91.10 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:gs  
cc: S. Eric DiNenna, Esq.  
File

the required 75 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with the requirements as set forth in the comments submitted by the Department of Environmental Protection and Resource Management dated April 20, 1988.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Zoning Variance submitted by Edward E. Clemens, Jr., et ux, for a variance to permit a setback of 30.5 feet to the centerline of the road in lieu of the required 75 feet, as more particularly described in Petitioner's Exhibit 1, on Thursday, July 7, 1988 at 9:30 a.m. at the County Office Building, Room 111, Towson, Maryland 21204. The hearing will be held in the presence of the Zoning Commissioner, J. Robert Haines, Esquire, and the Zoning Board of Appeals, if requested. The hearing will be held in the presence of the Zoning Commissioner, J. Robert Haines, Esquire, and the Zoning Board of Appeals, if requested. The hearing will be held in the presence of the Zoning Commissioner, J. Robert Haines, Esquire, and the Zoning Board of Appeals, if requested.

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The Avenue News

a weekly newspaper

published in Baltimore County, Maryland once a week for

successive weeks before the 17th day of June 19 88.

that is to say, the same was inserted in the issues of 6/16/19 88.

The Avenue Inc.

per publisher

By: [Signature]

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

July 22, 1988

S. Eric DiNenna, Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
NW/4 Bay Drive, 660' NE of Miami Beach Road  
(4030 Briar Point Road)  
15th Election District; 5th Councilmanic District  
Case No. 88-526-A

Dear Mr. DiNenna:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3331.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs  
Enclosure  
cc: People's Counsel  
File

"DUPLICATE"  
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 16, 19 88  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 16, 19 88.

THE JEFFERSONIAN,

S. Zeke Olson  
Publisher

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th  
Posted for: [Signature]  
Petitioner: [Signature]  
Location of property: [Signature]  
Location of Sign: [Signature]  
Remarks: [Signature]  
Posted by: [Signature]  
Number of Signs: 1

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3 B3 to allow 30.5 feet to the center line

in lieu of the required 75 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. House built many years ago
2. Shape of lot
3. Other reasons to be presented at time of rezoning

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
Edward E. Clemens, Jr.  
(Type or Print Name)  
Signature  
Concetta P.M. Clemens  
(Type or Print Name)  
Signature

Attorney for Petitioner:  
S. Eric DiNenna  
(Type or Print Name)  
Signature  
Address  
City and State

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 50597  
DATE 6/1/88  
ACCOUNT 21-1115  
AMOUNT \$ 35.00  
RECEIVED FROM S. Eric DiNenna  
FOR Filing Fee for Variance 1000 367  
Signature: J. Robert Haines  
Zoning Commissioner of Baltimore County

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE., BALTIMORE, MD. 21237

September 30, 1987

No. 4030 Briar Point Road  
15th District Baltimore County, Maryland

Beginning for the same on the northwest side of Bay Drive at the distance of 660 feet more or less measured northeasterly along the northwest side of Bay Drive from the north side of Miami Beach Road, thence running and binding on the northwest side of Bay Drive North 35 degrees 36 minutes 00 seconds East 45 feet, thence leaving Bay Drive and running North 49 degrees 31 minutes 24 seconds West 333.91 feet to the southeast side of Briar Point Road, thence running and binding on the southeast side of Briar Point Road South 54 degrees 23 minutes 00 seconds West 44.97 feet, thence leaving Briar Point Road and running South 49 degrees 19 minutes 41 seconds East 348.55 feet to the place of beginning.

Containing 0.35 acres of land more or less.



Item 367 File  
BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. James Robert Haines  
Zoning Commissioner  
DATE: April 20, 1988  
FROM: Mr. Robert W. Sheesley  
SUBJECT: Zoning Variance -  
Edward E. Clemens, Jr.

In accordance with Section 8-1813 Prior Project approval of the Chesapeake Bay Critical Area Law the proposed development will comply with the terms of Section 8-1813 for minimizing adverse impacts on water quality and protecting identified habitats, provided that the zoning petition is conditioned on compliance with the following requirements:

- 1) The total amount of impervious surface on this property is approximately 2,256 square feet. Therefore, two major deciduous trees, or four conifers or four minor deciduous trees are to be planted and maintained on the property. A combination of these three tree types is acceptable provided that 2,000 square feet of tree cover is provided. A large deciduous tree is estimated to cover 1,000 square feet and a minor deciduous or conifer, 500 square feet.
- 2) Storm water runoff from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

Robert W. Sheesley  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:LSJ

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-5353  
J. Robert Haines  
Zoning Commissioner

Date: June 23, 1988

Mr. & Mrs. Edward E. Clemens, Jr.  
4030 Bay Drive  
Baltimore, Maryland 21220

Re: Petition for Zoning Variance  
CASE NUMBER: 88-526-A  
1475 Bay Drive, 800' NE Miami Beach Road  
(4030 Bay Drive Road)  
15th Election District - 8th Councilmanic  
District  
Petitioner(s): Edward E. Clemens, Jr., et ux  
HEARING SCHEDULED: THURSDAY, JULY 7, 1988 at 8:00 a.m.

Dear Mr. & Mrs. Clemens:

It is due for advertising and posting of the above-referenced petition. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring same with the sign(s) and post(s) to the Zoning Office, County Office Building, Suite 405, 111 W. Chesapeake Avenue, Towson, Maryland 21204, 15 minutes before the hearing.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 52687  
DATE: 7/7/88 ACCOUNT: [Signature]  
AMOUNT: \$ 91.10  
RECEIVED FROM: Edward E. Clemens, Jr.  
FOR: [Signature] 7/7/88  
VALIDATION OR SIGNATURE OF CASHIER  
FILE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: May 18, 1988  
FROM: P. David Fields, Director  
Office of Planning and Zoning  
SUBJECT: Zoning Petition #88-523-A, 88-525-A, 88-526-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields, Director  
Office of Planning and Zoning

PDF/jat  
cc: Shirley Hess, People's Counsel  
J. G. Howell  
Zoning Office

CPS-008

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-5353  
J. Robert Haines  
Zoning Commissioner

May 11, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 88-526-A  
1475 Bay Drive, 800' NE Miami Beach Road  
(4030 Bay Drive Road)  
15th Election District - 8th Councilmanic  
District  
Petitioner(s): Edward E. Clemens, Jr., et ux  
HEARING SCHEDULED: THURSDAY, JULY 7, 1988 at 8:00 a.m.

Variance to allow 30.5 feet to the centerline in lieu of the required 75 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: Mr. & Mrs. Edward E. Clemens, Jr.  
S. Eric DiNenna, Esq.  
File

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 405  
Towson, Maryland 21204  
494-5354

May 10, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 158, 359, 360, 361, 363, 364, 365, 366, 367 and 368.

Very truly yours,

Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEW/RF/pml-b

88-526-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
13th day of April, 1988.

Petitioner Edward E. Clemens, Jr., et ux received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee  
Attorney S. Eric DiNenna

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500  
Paul H. Reubke  
Chief  
J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

April 20, 1988

Re: Property Owner: Edward E. Clemens, Jr., et ux (Critical Area)  
Location: 1475 Bay Dr., 660' NE Miami Beach Rd.  
Item No.: 367 Zoning Agenda Meeting of 4/12/88  
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] 4/22/88 Noted and Approved: [Signature] 4/22/88  
Special Inspection Division Fire Prevention Bureau

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 21, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

S. Eric DiNenna, Esquire  
409 Washington Avenue  
Towson, Maryland 21204

RE: Item No. 367 - Case No. 88-526-A  
Petitioners: Edward E. Clemens, Jr., et ux  
Petition for Zoning Variance

Re Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development. Plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Frank S. Lee  
Registered Land Surveyor  
1277 Neighbors Avenue  
Baltimore, Maryland 21217

